



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,994	01/31/2001	Masashi Morizane	P107336-00016	8286

7590

01/07/2003

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, DC 20036-5339

EXAMINER

MUTSCHLER, BRIAN L

ART UNIT	PAPER NUMBER
----------	--------------

1753

DATE MAILED: 01/07/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/772,994

Applicant(s)

MORIZANE ET AL.

Examiner

Brian L. Mutschler

Art Unit

1753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 6.Claim(s) rejected: 1-5 and 7-10.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 3. Applicant's reply has overcome the following rejection(s): Claim 6 under 35 U.S.C. 103 over Yamagishi et al. (U.S. Pat. No. 6,300,556) in view of Haigh et al. (U.S. Pat. No. 6,265,653). Claim 6 is objected to as being dependent on a rejected claim but would be allowable if rewritten to contain all of the limitations of the rejected claim from which it depends. The provisional rejection of claims 1-9 under the judicially-created doctrine of obviousness type double patenting over copending Application No. 09/788,339 has been withdrawn in light of the filed terminal disclaimer.


Continuation of 5. does NOT place the application in condition for allowance because: Regarding the rejection of claims 1-3 and 7 over Yamagishi (US '556) and over Kondo (US '053), the rejections are maintained because it is the Examiner's position that the references teach all of the limitations recited in the instant claims. Specifically, Applicant has argued that Yamagishi and Kondo do not teach both a rear surface resin film and a water transmission preventing layer. As explained in the Office Action mailed July 16, 2002, this argument is not persuasive for the following reasons. First, Yamagishi discloses that the rear surface protection film can be selected from materials including a laminate of a vinyl fluoride film and an aluminum foil, which clearly comprises two separate layers, a resin film and a layer which has an extremely low water transmission rate. Furthermore, claim 9 of the instant invention recites "the water transmission preventing layer is the rear surface resin film," which requires the rear resin film and the water transmission preventing layer to be the same layer, which is taught by Yamagishi and Kondo. Since claim 9 requires the layers to be a single layer, the rejection of claim 1 over a prior art reference that teaches a single layer is appropriate since claim 9 must further limit claim 1, which means claim 1 must be able to have a single layer.

Regarding the rejection of claims 4 and 9, Otani (PG-PUB '160) teaches that inorganic layers are preferred water prevention layers as opposed to metal layers because metal layers have a possibility of current leakage. Therefore, it would have been obvious to modify the protective film of Yamagishi, which can comprise either a laminate with an aluminum layer, to use an inorganic layer in place of the aluminum layer because it avoids the potential current leakage. Since Otani teaches the use of an inorganic layer and provides motivation for using the layer, it would have been obvious to one skilled in the art to use the inorganic layer in the device of Yamagishi.

Regarding the rejection of claim 5, Applicant contends that it would not have been obvious to use a glass preventing layer without hindsight reasoning. It is well known that glass does not transmit water, and it would have been obvious to one skilled in the art that using a glass plate would prevent better protection against environmental conditions than a resin or metal layer, which is subject to oxidation.

Regarding claim 8, Applicant has suggested that the modification of the device of Yamagishi by the teachings of Matsushita would alter the function of the protective layer of Yamagishi because the protective film functions as the water prevention layer and the rear surface film. As explained above, the protective film of Yamagishi can be a laminated layer comprising a layer of resin film and an aluminum layer. Positioning the water transmission preventing layer on the outside of the resin film, as taught by Matsushita would not change the function of the protective layer of Yamagishi because it would still function as a protective layer.

Regarding claim 10, Applicant has suggested that the rejection is made using hindsight reasoning. As explained above, it is well known that glass does not transmit water, which would have been an obvious modification to one skilled in the art. Regarding the thickness of the glass plate, the thickness is a design variable which would have been obvious to one skilled in the art, who would realize that a thicker glass plate provides a more rigid module while adding weight, while a thinner glass plate would be less rigid and be lighter in weight. Since the module of Yamagishi already has a glass front protective member supplying rigidity to the module, a thin glass plate would provide the module with a water preventing layer and low weight.


NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700